

In the claims:

1. (Cancelled)

2. (Original) An internet telephone apparatus that transmits and receives a call data through an internet, comprising a switching controller for controlling and switching a protocol of data transfer responding to a congestion situation of said internet ~~The internet telephone apparatus according to claim 1~~, wherein said switching controller is a controller for switching to a connectionless protocol when said internet is in a congestion situation below a threshold and for switching to a connection protocol when said internet exceeds said threshold.

3. (Original) The internet telephone apparatus according to claim 2, wherein said connectionless protocol is a UDP (User Data Protocol) and said connection protocol is a TCP (Transmission Control Protocol).

4. (Currently Amended) The internet telephone apparatus according to claim 1 ~~2~~, wherein a receiver for receiving and processing a data received through said internet is included and said switching controller detects a congestion situation of said internet based on a receiving situation of said receiver.

5. (Original) An internet telephone apparatus that transmits and receives a call data through an internet, comprising a switching controller for controlling and switching a protocol of data transfer responding to a congestion situation of said internet wherein a

receiver for receiving and processing a data received through said internet is included and
said switching controller detects a congestion situation of said internet based on a
receiving situation of said receiver, ~~The internet telephone apparatus according to claim~~
 4, and wherein said switching controller includes a controller for detecting said
 congestion situation based on a CRC (Cyclic Redundancy Check) error frequency.

6. (Currently Amended) The internet telephone apparatus according to claim 1 2,
 wherein a voice compressor for compressing said call data is included and a compressed
 voice data is adapted to be delivered to said switching controller.

7. (Original) The internet telephone apparatus according to claim 6, wherein an
 image compressor for compressing an image data in addition to said call data is included
 and a compressed image data is adapted to be delivered to said switching controller
 together with said compressed voice data.

8. (Original) The internet telephone apparatus according to claim 7, wherein
 said receiver includes an expander for expanding said compressed data of said voice and
 image and said switching controller includes a controller for detecting said congestion
 situation responding to a processing error of expanding and decoding by said expander.